

UNITED STATES OF AMERICA

§

v.

§

CASE NO. 4:13CR038

§

HERMES CASANOVA ORDONEZ (16)

§

§

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the above-referenced criminal action, the Court having heretofore referred the matter to the United States Magistrate Judge for proper consideration. On August 8, 2017, the report of the United States Magistrate Judge (#668) was entered containing proposed findings of fact and recommendation that Defendant's Motion to Withdraw Plea Agreement (#657) be **GRANTED** in part and **DENIED** in part.

Plaintiff's motion (#657) sought to withdraw only his Plea Agreement, leaving intact his guilty plea. Plaintiff also filed a memorandum in support of said motion (#663). After a hearing on Defendant's motion, the Magistrate Judge determined that it is procedurally improper to allow withdrawal of Defendant's Plea Agreement while allowing the guilty plea to stand.

Having received the report of the United States Magistrate Judge pursuant to its order, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

It is, therefore, **ORDERED** that the Magistrate Judge's Report is **ADOPTED** as the opinion of the Court. It is further **ORDERED** that Defendant's guilty plea is hereby

WITHDRAWN. The deadline for notification of a new plea agreement shall be in accordance with the Court's Amended Pre-Trial Order (#667).

IT IS SO ORDERED.

SIGNED at Beaumont, Texas, this 25th day of August, 2017.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive style with a horizontal line underneath it.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE